

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

CONTINENTAL CASUALTY COMPANY

PLAINTIFF

V.

Civil No. 3:04CV151TSL-JCS

THOMAS D. KEENUM, SR, *et al.*

DEFENDANTS

ORDER OF DISMISSAL

The Court presently has before it a joint motion filed on behalf of the plaintiff herein, Continental Casualty Company, and all defendants herein – namely, George Dale, Commissioner of Insurance for the State of Mississippi, in his official capacity as Receiver of Franklin Protective Life Insurance Company, Family Guaranty Life Insurance Company, and First National Life Insurance Company of America; Paula A. Flowers, Commissioner of Commerce and Insurance for the State of Tennessee, in her official capacity as Receiver of Franklin American Life Insurance Company; W. Dale Finke (successor to Scott B. Lakin), Director of the Department of Insurance for the State of Missouri, in his official capacity as Receiver of International Financial Services Life Insurance Company; Kim Holland (successor to Carroll Fisher), Insurance Commissioner for the State of Oklahoma, in her official capacity as Receiver of Farmers and Ranchers Life Insurance Company, in Liquidation; Julie Benafield Bowman (successor to Mike Pickens), Insurance Commissioner for the State of Arkansas, in her official capacity as Liquidator of Old Southwest Life Insurance Company (all aforementioned Liquidator/Receivers are collectively referenced herein as the “Receivers”); Thomas D. Keenum, Sr.; and Keenum & Tutor, P.A. – seeking the voluntary dismissal of this cause and of all

defendants herein, with prejudice and with each party to bear its own costs. After careful consideration of the parties' request, the Court makes the following finding:

This request for dismissal is based upon a resolution which is based, in part, on the payment of consideration by Continental Casualty Company to the defendant Receivers, who have acknowledged that this consideration is sufficient and is in full resolution of all present and future claims by the Receivers against Continental Casualty Company in connection with Continental's coverage of Thomas D. Keenum and Keenum & Tutor, P.A. in relation to the facts as generally set out in the lawsuit of *Dale, et al. v. Little, et al.*, Civil Action No. 3:03CV658WS, which is pending in the United States District Court for the Southern District of Mississippi.

ACCORDINGLY, IT IS HEREBY ORDERED that this cause and all defendants herein are hereby dismissed in full and with prejudice, with each party to bear its own costs.

This 16th day of August, 2006.

/s/ Tom S. Lee
UNITED STATES DISTRICT JUDGE